

**FILED**

APR 19 2006

U.S. MAGISTRATE JUDGE  
DISTRICT OF NEVADA

DEPUT

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BY

IN THE MATTER OF THE ) No. 3:06-MJ-0023-VPC  
SEARCH OF: )

The Residence Located at 12720 )  
Buckthorne Lane, Reno, Nevada, ) April 19, 2006  
and Storage Units 136, 140, 141, )  
142, and 143, Double R. Storage, )  
888 Maestro Drive, Reno, Nevada. )  
)  
)

**MINUTES OF THE COURT**

**SEALED DOCKET**

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Lisa Mann REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Dennis Montgomery, Brenda Montgomery and the Montgomery Family Trust filed a motion (1) to unseal search warrant affidavits; (2) for the return of property pursuant to Fed. R. Crim. P. 41(g); and (3) for the segregation and sealing of all attorney client and trade secret materials seized (March 10, 2006). The Government opposed in three separate responses (March 27, 2006), and Montgomery replied (April 3, 2006).

The court directs the parties to provide simultaneous supplemental briefing on the following issues on or before Wednesday, April 26, 2006 at 4:30 p.m.:

(1) Discuss whether the affidavit accompanying the search warrant must remain sealed in its entirety in order to further compelling government interests that cannot be served by less restrictive means.

(2) Discuss whether the warrant lacks specificity and/or is overbroad.

(3) The Government shall provide the evidence that it claims supports its contention that "the searches in question were based on probable cause and were conducted pursuant to a lawfully issued warrant" and that refutes allegations raised in Mr. Montgomery's motion.

(4) If data seized contains classified Department of Defense information, to the extent that some materials seized may be subject to attorney client privilege, how should that issue be addressed? If, as the Government asserts, neither Mr. Montgomery nor counsel has security clearance, who will review the information to determine whether any material is privileged?

The parties shall provide legal authorities and any potentially applicable protocol that relates to the above-referenced issues.

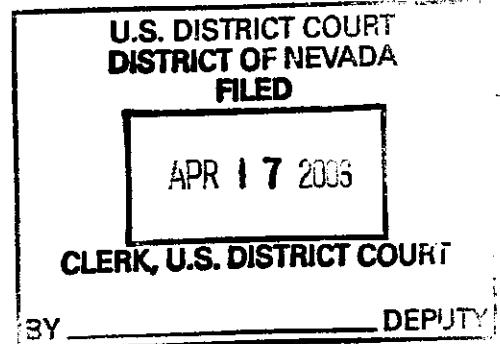
**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: \_\_\_\_\_ /s/  
Deputy Clerk

**SEALED**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA



IN THE MATTER OF THE SEARCH OF: ) CASE NO. 3:06-MJ-0023-VPC  
   ) )  
The residence located at 12720     ) MINUTES OF COURT  
Buckthorne Lane, Reno, Nevada    ) )  
   ) DATE: April 17, 2006  
and                                    ) )  
   ) )  
Storage Units 136, 140, 141, 142, and 143 )  
located at 888 Mastro Drive, Reno, Nevada ) )  
\_\_\_\_\_ )

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann      Reporter: None Appearing

U.S. Attorney: None Appearing Counsel for Defendants: None Appearing

**MINUTE ORDER IN CHAMBERS XXX**

**MINUTE ORDER IN CHAMBERS XXX**

Pursuant to Fed.R.Crim.P. 41(g) a *sealed* evidentiary hearing on the motions to (1) unseal search warrant affidavits; (2) for the return of property pursuant to Fed.R.Crim.P. 41(g); and (3) for the segregation and sealing of all attorney-client and trade secret materials seized is scheduled for **Wednesday, May 3, 2006 at 1:30 p.m.** before Magistrate Judge Valerie P. Cooke in Courtroom No. 1, Fourth Floor, 400 S. Virginia Street, Reno, Nevada.

LANCE S. WILSON, CLERK

By: Lisa Mann  
Lisa Mann, Deputy Clerk



## United States District Court District of Nevada

Bruce R. Thompson U.S. Courthouse and Federal Building  
400 South Virginia Street, Room 404  
Reno, Nevada 89501

Chambers of Valerie P. Cooke  
United States Magistrate Judge

Telephone: (775) 686-5855  
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### **FAX TRANSMITTAL**

DATE: April 19, 2006

THE FOLLOWING PAGES ARE BEING FAXED TO:

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NUMBER OF PAGES INCLUDING COVER SHEET: 4

FROM: Debra Newman, Judicial Assistant to  
The Honorable Valerie P. Cooke  
United States Magistrate Judge

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### United States District Court

#### District of Nevada

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